

REGULATIONS FOR APPLICATIONS MADE TO A REGULATORY COMMISSION FOR AN INTERIM SUSPENSION ORDER TO BE ISSUED BEFORE CHARGE, AND THE PERIODIC REVIEW OF ANY INTERIM SUSPENSION ORDER ISSUED UNDER FA RULE E16

**General Principles**

In accordance with Rule E16, the Chief Regulatory Officer (CRO) (references to the CRO in these regulations include any nominee acting on his behalf) ('the applicant', for the purposes of these regulations) may apply to a Regulatory Commission for an interim suspension order to be issued before charge pursuant to Rule E16(a). These regulations apply to such applications, and to the review of all interim suspension orders issued pursuant to Rule E16.

These regulations may be deviated from at the discretion of the Regulatory Commission, which has the authority in all cases to regulate its own procedure. This includes the authority to amend any time limit stipulated in these regulations, save that any Review Period must not be more than 21 days in any case. Where a Regulatory Commission deviates from any time limit set out in these regulations, it will do so subject to the overall aim of ensuring that applications dealt with under these regulations proceed on an expedited basis in all cases, whilst ensuring a fair process.

Any failure to follow these regulations will not in itself invalidate any application or order made.

Application for an Interim Suspension Order before charge

**(a) Notice of application**

The applicant must give written notice of the application to the Judicial Panel Chairman (or his nominee). A copy of the notice must be sent at the same time to the Participant in respect of whom the application is made ('the Participant'). The notice and copy may be sent by fax, email or post.

The notice must set out a brief summary of the basis of the application. The notice must also confirm that the applicant has obtained the agreement of the PFA (in the case of a Player) and / or one of the FA Premier League, Football League or the Football Conference (National) as appropriate. This confirmation will be conclusive evidence of the fact that such agreement has been obtained.

**(b) Composition of The Regulatory Commission**

Upon receipt of the notice of application, the Judicial Panel Chairman will select a Regulatory Commission to deal with the application. This selection will be in accordance with any applicable selection policy in force from time to time, and any stipulations about the composition of the Regulatory Commission in Rule E16.

**(c) The application**

Within two working days of providing notice of the application, the applicant must provide to the Regulatory Commission Chairman, (provision to the Commission Chairman may be via the FA's Disciplinary Department for all purposes under these regulations), and to the Participant, full details of the application, consisting of the written submissions and all evidence and material of whatever nature to be relied upon in support of the application.

**(d) Responses**

Within two working days of receiving full details of the application, the Participant must provide to the Regulatory Commission Chairman and to the applicant, written submissions and all evidence and material of whatever nature to be relied upon by the Participant in response to the application.

The applicant will have two working days to provide a response, if any, to the submissions, evidence and material provided by the Participant. This response must be provided to the Regulatory Commission Chairman and the Participant.

(e) **Regulatory Commission Procedure**

i. **Timing**

The Regulatory Commission will hear the application at the earliest opportunity, but no earlier than the second working day after the provision of the response by the Participant, or the provision of any further response to that from the applicant.

Arrangements for the hearing location and arrangements will be provided by The FA to all parties concerned.

ii. **The Hearing**

A summary of the basis for the application will be put forward by the applicant. The Participant may then put forward a summary of the points to be raised on its behalf.

The applicant may then address the Regulatory Commission and put forward all submissions and all evidence and material of whatever nature relied upon.

The Participant may then address the Regulatory Commission and put forward all submissions and all evidence and material of whatever nature relied upon.

Where notice of any submission, evidence and material of whatever nature sought to be relied upon by either party at the hearing has not been given in accordance with these regulations, the Regulatory Commission shall have a discretion whether or not to take that matter into account.

Each party and the Regulatory Commission shall have the opportunity to put questions in respect of any matter presented by either party.

In conclusion, the applicant and the Participant in that order may make a closing submission.

iii. **Decision**

The Regulatory Commission may make an Interim Suspension Order under Rule E16(a) -

(a) Where the applicant has established to its satisfaction the matters set out in Rule E16(a)(i) and (ii); and

(b) In accordance with Rule E16(e).

Alternatively, the Regulatory Commission may dismiss the application and / or make any other order that it considers appropriate.

Where the Regulatory Commission makes an Interim Suspension Order it must determine, and state as part of the Order, a period (the 'Review Period') after which the Participant will be entitled to have the Order reviewed by a Regulatory Commission. This period must not be more than 21 days from the date of the Order.

A decision of the Regulatory Commission made pursuant to these regulations shall be final and binding with no right of further challenge.

**Periodic review of an Interim Suspension Order****(a) General**

Once the Review Period (whether determined by a Regulatory Commission as above or by the CRO where an Interim Suspension Order is issued after charge) has elapsed, the Participant subject to the order may apply to have the Interim Suspension Order reviewed by a Regulatory Commission.

**(b) Notice of application for a review**

The Participant must give written notice of the application to the Judicial Panel Chairman (or his nominee). A copy of the notice must be sent at the same time to the CRO. The notice and copy may be sent by fax, email or post.

The notice must set out a brief summary of the basis of the application.

**(c) Composition of the Regulatory Commission**

Upon receipt of the notice of application, the Judicial Panel Chairman will select a Regulatory Commission to deal with the application. This selection will be in accordance with any applicable selection policy in force from time to time, and any stipulations about the composition of the Regulatory Commission in Rule E16. Subject to any representations by the parties, a Regulatory Commission which considers a review application may include all or any of the same members of the Regulatory Commission that imposed the Interim Suspension Order or of any Regulatory Commission which has subsequently reviewed it.

**(d) The application**

Within two working days of providing notice of the application, the Participant must provide to the Regulatory Commission Chairman, (provision to the Commission Chairman may be via the FA's Disciplinary Department for all purposes under these regulations), and to the CRO, full details of the application, consisting of the written submissions and all evidence and material of whatever nature to be relied upon in support of the application.

**(e) Responses**

Within two working days of receiving full details of the application, the CRO must provide to the Regulatory Commission Chairman and to the Participant, written submissions and all evidence and material of whatever nature to be relied upon by the CRO in response to the application.

The Participant will have two working days to provide any response, if any, to the submissions, evidence and material provided by the CRO.

**(f) Regulatory Commission Procedure****i. Timing**

The Regulatory Commission will hear the application at the earliest opportunity, but no earlier than the second working day after the provision of the response by the CRO, or any further response to that from the Participant.

Arrangements for the hearing location and arrangements will be provided by The FA to all parties concerned.

**ii. The Hearing**

A summary of the basis for the application for review will be put forward by the Participant. The CRO or his nominee may then put forward a summary of the points to be raised on his behalf.

The Participant may then address the Regulatory Commission and put forward all submissions and all evidence and material of whatever nature relied upon.

The CRO may then address the Regulatory Commission and put forward all submissions and all evidence and material of whatever nature relied upon.

Where notice of any matter relied upon by either party has not been given in accordance with these regulations, the Regulatory Commission shall have a discretion whether or not to take that matter into account.

Each party and the Regulatory Commission shall have the opportunity to put questions in respect of any matters presented by either party.

In conclusion, the Participant and the CRO in that order may make closing submissions.

iii Decision

The Regulatory Commission may make any order in respect of the Interim Suspension Order as it considers appropriate, including, without limitation, ordering that it continue in force, extending it, modifying it or removing it, save that an Interim Suspension Order issued under Rule E16(a) may only continue in force -

- (a) Where the CRO has established to its satisfaction the matters set out in Rule E16(a)(i) and (ii); and
- (b) In accordance with Rule E16(e).

Where the Regulatory Commission orders that an Interim Suspension Order continues in force, it must determine, and state as part of the Order, a period (the 'Review Period') after which the Participant will be entitled to have the Order reviewed by a Regulatory Commission. This period must not be more than 21 days from the date of the Order.

A decision of the Regulatory Commission made pursuant to these regulations shall be final and binding with no right of further challenge.

**General provisions applicable to any Regulatory Commission hearing conducted under these regulations**

Any General Provisions relating to Regulatory Commissions in force from time to time shall apply hearings conducted pursuant to these regulations, subject to the following modifications.

**Representation**

Parties have the right to be present and/or represented at any hearing before the Regulatory Commission pursuant to the regulations. In the event that either party wishes to be represented, this fact, together with the identity of any representative, shall be submitted at the same time as any application or response (as relevant).

The Regulatory Commission may, at its discretion, proceed to hear an application in the absence of any party.

The Regulatory Commission may consider any matter pursuant to these regulations on the basis of written submissions only, should the applicant and Participant not wish to be present or represented.

**Costs**

Any costs incurred in bringing, or responding, to an application for an Interim Suspension Order or a review of such an order shall be borne by the party incurring the costs. Any costs incurred in relation to the convening and conduct of the Regulatory Commission may be ordered by the Regulatory Commission to be paid by either party.